

## LIMITATIONS ON USE OF APPROPRIATED FUNDS

Pub. L. 105-277, div. A, §101(f) [title II, §206], Oct. 21, 1998, 112 Stat. 2681-337, 2681-359, provided that: "None of the funds appropriated in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be obligated or expended for the Federal Council on Aging under the Older Americans Act [of 1965, 42 U.S.C. 3001 et seq.] or the Advisory Board on Child Abuse and Neglect under the Child Abuse Prevention and Treatment Act [42 U.S.C. 5101 et seq.]."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 105-78, title II, §206, Nov. 13, 1997, 111 Stat. 1489.

Pub. L. 104-208, div. A, §101(e) [title II, §208], Sept. 30, 1996, 110 Stat. 3009-233, 3009-254.

Pub. L. 104-134, title I, §101(d) [title II, §209], Apr. 26, 1996, 110 Stat. 1321-211, 1321-228; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.

**§ 5103. Repealed. Pub. L. 104-235, title I, § 103, Oct. 3, 1996, 110 Stat. 3066**

Section, Pub. L. 93-247, title I, §103, formerly §4, Jan. 31, 1974, 88 Stat. 5; Pub. L. 93-644, §8(d)(2), Jan. 4, 1975, 88 Stat. 2310; Pub. L. 95-266, title I, §103, Apr. 24, 1978, 92 Stat. 206; Pub. L. 98-457, title I, §§103, 122, 123, Oct. 9, 1984, 98 Stat. 1750, 1752, 1753; Pub. L. 99-401, title I, §102(a), Aug. 27, 1986, 100 Stat. 903; Pub. L. 100-117, §1, Sept. 28, 1987, 101 Stat. 751; Pub. L. 100-294, title I, §101, Apr. 25, 1988, 102 Stat. 105; renumbered title I, §103, Pub. L. 101-126, §3(a)(1), (2), Oct. 25, 1989, 103 Stat. 764, related to the Inter-Agency Task Force on Child Abuse and Neglect.

**§ 5104. National clearinghouse for information relating to child abuse**

**(a) Establishment**

The Secretary shall through the Department, or by one or more contracts of not less than 3 years duration let through a competition, establish a national clearinghouse for information relating to child abuse and neglect.

**(b) Functions**

The Secretary shall, through the clearinghouse established by subsection (a)—

(1) maintain, coordinate, and disseminate information on effective programs, including private and community-based programs, that have demonstrated success with respect to the prevention, assessment, identification, and treatment of child abuse or neglect and hold the potential for broad-scale implementation and replication;

(2) maintain, coordinate, and disseminate information on the medical diagnosis and treatment of child abuse and neglect;

(3) maintain and disseminate information on best practices relating to differential response;

(4) maintain and disseminate information about the best practices used for achieving improvements in child protective systems;

(5) maintain and disseminate information about the requirements of section 5106a(b)(2)(B)(iii) of this title and best practices relating to the development of plans of safe care as described in such section for infants born and identified as being affected by substance abuse or withdrawal symptoms, or a Fetal Alcohol Spectrum Disorder;

(6) maintain and disseminate information relating to—

(A) the incidence of cases of child abuse and neglect in the United States;

(B) the incidence of such cases in populations determined by the Secretary under section 105(a)(1) of the Child Abuse Prevention, Adoption, and Family Services Act of 1988 (42 U.S.C. 5105 note); and

(C) the incidence of any such cases related to substance abuse;

(7) provide technical assistance upon request that may include an evaluation or identification of—

(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

(B) ways to mitigate psychological trauma to the child victim; and

(C) effective programs carried out by the States under this subchapter and subchapter III;

(8) collect and disseminate information relating to various training resources available at the State and local level to—

(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, child welfare, substance abuse treatment services, and domestic violence services personnel; and

(9) collect and disseminate information, in conjunction with the National Resource Centers authorized in section 10410(b) of this title, on effective programs and best practices for developing and carrying out collaboration between entities providing child protective services and entities providing domestic violence services.

**(c) Coordination with available resources**

**(1) In general**

In establishing a national clearinghouse as required by subsection (a), the Secretary shall—

(A) consult with other Federal agencies that operate similar clearinghouses;

(B) consult with the head of each agency involved with child abuse and neglect on the development of the components for information collection and management of such clearinghouse and on the mechanisms for the sharing of such information with other Federal agencies and clearinghouses;

(C) develop a Federal data system involving the elements under subsection (b) which, to the extent practicable, coordinates existing Federal, State, tribal, regional, and local child welfare data systems which shall include—

(i) standardized data on false, unfounded, unsubstantiated, and substantiated reports;

(ii) information on the number of deaths due to child abuse and neglect;

(iii) information about the incidence and characteristics of child abuse and neglect in circumstances in which domestic violence is present; and

(iv) information about the incidence and characteristics of child abuse and neglect in cases related to substance abuse;

(D) through a national data collection and analysis program and in consultation with appropriate State and local agencies and experts in the field, collect, compile, and make available State child abuse and neglect reporting information which, to the extent practical, shall be universal and case specific and integrated with other case-based foster care and adoption data collected by the Secretary;

(E) compile, analyze, and publish a summary of the research conducted under section 5105(a) of this title;

(F) collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of victims of child abuse or neglect; and

(G) solicit public comment on the components of such clearinghouse.

## (2) Confidentiality requirement

In carrying out paragraph (1)(D), the Secretary shall ensure that methods are established and implemented to preserve the confidentiality of records relating to case specific data.

(Pub. L. 93-247, title I, § 103, formerly § 5, Jan. 31, 1974, 88 Stat. 7; Pub. L. 95-266, title I, § 104, Apr. 24, 1978, 92 Stat. 206; Pub. L. 98-457, title I, § 104, Oct. 9, 1984, 98 Stat. 1751; Pub. L. 100-294, title I, § 101, Apr. 25, 1988, 102 Stat. 105; renumbered title I, § 104, and amended Pub. L. 101-126, §§ 3(a)(1), (2), (b)(2), 6, Oct. 25, 1989, 103 Stat. 764, 765, 768; renumbered § 103 and amended Pub. L. 104-235, title I, §§ 104, 113(a)(1)(A), Oct. 3, 1996, 110 Stat. 3066, 3079; Pub. L. 108-36, title I, § 111, June 25, 2003, 117 Stat. 802; Pub. L. 111-320, title I, § 112, Dec. 20, 2010, 124 Stat. 3461; Pub. L. 114-198, title V, § 503(a), July 22, 2016, 130 Stat. 729.)

## Editorial Notes

### REFERENCES IN TEXT

Section 105(a)(1) of the Child Abuse Prevention, Adoption, and Family Services Act of 1988, referred to in subsec. (b)(6)(B), is section 105(a)(1) of Pub. L. 100-294, which is set out as a note under section 5105 of this title.

### PRIOR PROVISIONS

A prior section 103 of Pub. L. 93-247 was classified to section 5103 of this title prior to repeal by Pub. L. 104-235.

### AMENDMENTS

2016—Subsec. (b)(5) to (9). Pub. L. 114-198 added par. (5) and redesignated former pars. (5) to (8) as (6) to (9), respectively.

2010—Subsec. (a). Pub. L. 111-320, § 112(1), inserted “and neglect” before period at end.

Subsec. (b). Pub. L. 111-320, § 112(2), added pars. (1) to (3) and (8), redesignated former pars. (2) to (5) as (4) to (7), respectively, in par. (4) inserted “and disseminate” after “maintain”, in par. (5)(B) inserted “(42 U.S.C. 5105 note)” before semicolon, in par. (5)(C) substituted “substance” for “alcohol or drug”, in par. (6)(C) struck out “and” at end, in par. (7)(B) substituted “child welfare,

substance abuse treatment services, and domestic violence services personnel; and” for “and child welfare personnel.”, and struck out former par. (1) which read as follows: “maintain, coordinate, and disseminate information on all effective programs, including private and community-based programs, that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication;”.

Subsec. (c)(1)(B). Pub. L. 111-320, § 112(3)(A), added subpar. (B) and struck out former subpar. (B) which read as follows: “consult with the head of each agency involved with child abuse and neglect and mechanisms for the sharing of such information among other Federal agencies and clearinghouses on the development of the components for information collection and management of such clearinghouse;”.

Subsec. (c)(1)(C). Pub. L. 111-320, § 112(3)(B), inserted “tribal,” after “State,” in introductory provisions and added cls. (iii) and (iv).

Subsec. (c)(1)(F). Pub. L. 111-320, § 112(3)(C), which directed substitution of “victims of child abuse or neglect” for “abused or neglected children”, was executed by making the substitution for “abused and neglected children” to reflect the probable intent of Congress.

2003—Subsec. (b)(1). Pub. L. 108-36, § 111(a)(1), substituted “all effective programs, including private and community-based programs, that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication;” for “all programs, including private programs, that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect; and”.

Subsec. (b)(2), (3). Pub. L. 108-36, § 111(a)(2)-(4), added par. (2) and redesignated former par. (2) as (3) and substituted a semicolon for period at end.

Subsec. (b)(4), (5). Pub. L. 108-36, § 111(a)(5), added pars. (4) and (5).

Subsec. (c)(1)(E). Pub. L. 108-36, § 111(b)(1), made technical amendment to reference to section 5105(a) of this title to reflect renumbering of corresponding section of original act and struck out “and” at end.

Subsec. (c)(1)(F), (G). Pub. L. 108-36, § 111(b)(2), (3), added subpar. (F) and redesignated former subpar. (F) as (G).

1996—Subsec. (a). Pub. L. 104-235, § 104(1), amended heading and text generally. Prior to amendment, text read as follows: “Before the end of the 2-year period beginning on April 25, 1988, the Secretary shall through the Center, or by contract of no less than 3 years duration let through a competition, establish a national clearinghouse for information relating to child abuse.”

Subsec. (b). Pub. L. 104-235, § 104(2)(A), substituted “Secretary” for “Director” in introductory provisions.

Subsec. (b)(1). Pub. L. 104-235, § 104(2)(B)(ii), which directed striking out “, including” and all that followed and inserting “; and”, was executed to reflect the probable intent of Congress by substituting “; and” for “, including the information provided by the National Center for Child Abuse and Neglect under section 5105(b) of this title;” which was all that followed “, including” the second place it appeared.

Pub. L. 104-235, § 104(2)(B)(ii), inserted “assessment,” after “prevention.”.

Subsec. (b)(2). Pub. L. 104-235, § 104(2)(C), substituted “United States” for “general population” in subpar. (A) and struck out subpar. (D) which read as follows: “State and local recordkeeping with respect to such cases; and”.

Subsec. (b)(3). Pub. L. 104-235, § 104(2)(D), struck out par. (3) which read as follows: “directly or through contract, identify effective programs carried out by the States pursuant to subchapter III of this chapter and provide technical assistance to the States in the implementation of such programs.”

Subsec. (c)(1). Pub. L. 104-235, § 104(3)(A), designated existing provisions as par. (1), inserted heading, and

substituted “Secretary” for “Director” in introductory provisions. Former par. (1) redesignated (1)(A).

Subsec. (c)(1)(A). Pub. L. 104-235, §104(3)(B), redesignated par. (1) as (1)(A) and realigned margin.

Subsec. (c)(1)(B). Pub. L. 104-235, §104(3)(B), (C), redesignated par. (2) as (1)(B), realigned margin, and substituted “involved with child abuse and neglect and mechanisms for the sharing of such information among other Federal agencies and clearinghouses” for “that is represented on the task force”.

Subsec. (c)(1)(C). Pub. L. 104-235, §104(3)(B), (C), redesignated par. (3) as (1)(C), realigned margin, and substituted “Federal, State, regional, and local child welfare data systems which shall include—

“(i) standardized data on false, unfounded, unsubstantiated, and substantiated reports; and

“(ii) information on the number of deaths due to child abuse and neglect;” for “State, regional, and local data systems; and”.

Subsec. (c)(1)(D). Pub. L. 104-235, §104(3)(F), added subpar. (D). Former subpar. (D) redesignated (F).

Pub. L. 104-235, §104(3)(B), redesignated par. (4) as (1)(D) and realigned margin.

Subsec. (c)(1)(E). Pub. L. 104-235, §104(3)(F), added subpar. (E).

Subsec. (c)(1)(F). Pub. L. 104-235, §104(3)(E), redesignated subpar. (D) as (F).

Subsec. (c)(2). Pub. L. 104-235, §104(3)(G), added par. (2). Former par. (2) redesignated (1)(B).

Subsec. (c)(3), (4). Pub. L. 104-235, §104(3)(B), redesignated pars. (3) and (4) as (1)(C) and (1)(D), respectively.

1989—Subsec. (b)(1). Pub. L. 101-126, §3(b)(2)(A), made technical amendment to reference to section 5105(b) of this title to reflect renumbering of corresponding section of original act.

Subsec. (b)(2)(B). Pub. L. 101-126, §3(b)(2)(B), inserted “of the Child Abuse Prevention, Adoption, and Family Services Act of 1988” after “section 105(a)(1)”.

Subsec. (b)(3). Pub. L. 101-126, §6, added par. (3).

1988—Pub. L. 100-294 amended section generally, substituting provisions relating to national clearinghouse for information relating to child abuse for provisions relating to authorization of appropriations and funding requirements for child abuse and neglect and sexual abuse programs and projects. See section 5106h of this title.

1984—Pub. L. 98-457, §104(a), struck out designation “(a)” before “There are hereby authorized”, inserted provisions authorizing appropriations of \$33,500,000 for fiscal year 1984, \$40,000,000 for fiscal year 1985, \$41,500,000 for fiscal year 1986, and \$43,100,000 for fiscal year 1987, and substituted “this section except as provided in the succeeding sentence, (A) not less than \$9,000,000 shall be available in each fiscal year to carry out section 5103(b) of this title (relating to State grants), (B) not less than \$11,000,000 shall be available in each fiscal year to carry out sections 5103(a) (relating to demonstration or service projects), 5101(b)(1) and 5101(b)(3) (relating to information dissemination), 5101(b)(5) (relating to research), and 5103(c)(2) (relating to training, technical assistance, and information dissemination) of this title, giving special consideration to continued funding of child abuse and neglect programs or projects (previously funded by the Department of Health and Human Services) of national or regional scope and demonstrated [sic] effectiveness, (C) \$5,000,000 shall be available in each such year for grants and contracts under section 5103(a) of this title for identification, treatment, and prevention of sexual abuse, and (D) \$5,000,000 shall be available in each such year for the purpose of making additional grants to the States to carry out the provisions of section 5103(c)(1) of this title. With respect to any fiscal year in which the total amount appropriated under this section is less than \$30,000,000, funds shall first be available as provided in clauses (A) and (B) in the preceding sentence and of the remainder one-half shall be available as provided for in clause (C) and one-half as provided for in clause (D) in the preceding sentence” for “this section, not less than 50 per centum shall be used for making grants or contracts under sec-

tions 5101(b)(5) of this title (relating to research) and 5103(a) of this title (relating to demonstration or service projects), giving special consideration to continued Federal funding of child abuse and neglect programs or projects (previously funded by the Department of Health, Education, and Welfare) of national or regional scope and demonstrated effectiveness, of not less than 25 per centum shall be used for making grants or contracts under section 5103(b)(1) of this title (relating to grants to States) for the fiscal years ending September 30, 1978, and September 30, 1979, respectively, and not less than 30 per centum shall be used for making grants or contracts under section 5103(b)(1) of this title (relating to grants to States) for each of the fiscal years ending September 30, 1980, and September 30, 1981, respectively”.

Pub. L. 98-457, §104(b), struck out subsec. (b) which authorized appropriations for fiscal years ending Sept. 30, 1978, Sept. 30, 1979, Sept. 30, 1980, and Sept. 30, 1981, respectively, for purpose of making grants and entering into contracts for programs and projects designed to prevent, identify, and treat sexual abuse of children.

1978—Pub. L. 95-266 designated existing provisions as subsec. (a), inserted provisions authorizing appropriations for fiscal year ending Sept. 30, 1978, through fiscal year ending Sept. 30, 1981, and provisions setting forth funding requirements for child abuse and neglect programs and projects, and added subsec. (b).

## § 5105. Research and assistance activities

### (a) Research

#### (1) Topics

The Secretary shall, in consultation with other Federal agencies and recognized experts in the field, carry out a continuing interdisciplinary program of research, including longitudinal research, that is designed to provide information needed to better protect children from child abuse or neglect and to improve the well-being of victims of child abuse or neglect, with at least a portion of such research being field initiated. Such research program may focus on—

(A) the nature and scope of child abuse and neglect;

(B) causes, prevention, assessment, identification, treatment, cultural and socio-economic distinctions, and the consequences of child abuse and neglect, including the effects of child abuse and neglect on a child’s development and the identification of successful early intervention services or other services that are needed;

(C) effective approaches to improving the relationship and attachment of infants and toddlers who experience child abuse or neglect with their parents or primary caregivers in circumstances where reunification is appropriate;

(D) appropriate, effective and culturally sensitive investigative, administrative, and judicial systems, including multidisciplinary, coordinated decisionmaking procedures with respect to cases of child abuse and neglect;

(E) the evaluation and dissemination of best practices, including best practices to meet the needs of special populations, consistent with the goals of achieving improvements in the child protective services systems of the States in accordance with paragraphs (1) through (14) of section 5106a(a) of this title;